

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, MAY 31, 2001
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Larry Hudkins
Linda Steinman
Bernie Heier

Commissioners Absent: Bob Workman, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF TUESDAY, MAY 29, 2001

MOTION: Heier moved and Steinman seconded approval of the Staff Meeting minutes of May 29, 2001. Heier, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Jail Visitation

MOTION: Steinman moved and Heier seconded approval of the addition to the agenda. Steinman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, noted that today is the final day of the legislative session. He presented a legislative update (Exhibit A), noting the following bills of interest to Lancaster County that were successful this legislative session:

- O LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings)
- O LB 335 (changes powers and duties of the Commission on Public Advocacy and provides reimbursement procedures for indigent defense systems)
- O LB 692 (provides for funding of the Nebraska Lifespan Respite Services Program under the Nebraska Health Care Funding Act)

Kissel asked Dave Kroeker, Budget and Fiscal Officer, to keep track of new money received as a result of the Tobacco Settlement bill (LB 692).

Kissel noted that LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act) is scheduled for final reading today. He said LB 142 (authorizes creation of municipal counties) is also scheduled for final reading and all three of Lancaster County's issues are addressed in the final copy.

Kissel said two other priority issues, LB 616 (authorizes road maintenance agreements between counties, cities and villages) and LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services), will be carried over to the next session.

The Board asked that Kissel be scheduled on an agenda in August to look at the interim studies and plan strategies for the next legislative session. Douglas County and Sarpy County will be contacted to determine their interest in pursuing mental health legislation.

ADDITIONS TO THE AGENDA

A. Jail Visitation

Heier and Hudkins will participate in a site visit of a pre-trial service program in Tucson, Arizona, June 27-29, 2001, as part of a Corrections' Needs Assessment Committee subgroup. Funding for participation will be provided by the National Institute of Corrections (NIC). The County will fund Heier's participation in a similar site visit in Prince George's County, Washington D.C., August 14-16, 2001.

4 LITTLE SALT CREEK DRAINAGE & WETLANDS - Art Thompson, Cooper Foundation; Brent Lathrop, The Nature Conservancy; Tyler Sutton, The Conservation Alliance; Terry Genrich, Parks & Recreation Natural Resources Manager; Mike DeKalb, Planning Department

Art Thompson, Cooper Foundation, explained that The Nature Conservancy is dedicated to saving rare plants and animals and is currently working in the Little Salt Fork Marsh. He said this marsh contains one of the rarest ecosystems in state and country and contains two state endangered species, the Salt Creek Tiger Beetle and Saltwort.

Thompson said The Nature Conservancy has purchased two properties in the Little Salt Creek Valley in an effort to protect these species and the watershed. He explained that retail development on North 27th Street has placed considerable pressure on Salt Creek and may place stream pressure on Little Salt Creek, as well. Thompson said Salt Creek Tiger Beetles exist in the Little Salt Creek north of Interstate 80 and his group is concerned about what might happen there. Meetings were held with landowners and other interested parties to discuss the situation. He noted that other governmental entities have expressed interest in the preservation effort and suggested that the County may also wish to participate.

Brent Lathrop, The Nature Conservancy, gave a presentation on the Little Salt Fork Basin Protection Initiative (Exhibit B), referring to the following maps:

- O *Saline Marsh Ownership Map* (The Nature Conservancy, Nebraska Game and Parks Commission, Lower Platte South Natural Resources District)
- O *Saline Wetlands of the Little Salt Creek Area*
- O *Housing Development Around The Nature Conservancy's Little Salt Fork Marsh Preserve*

Lathrop explained that experts and landowners met last summer to discuss the situation with a decision to hire a consultant and proceed with a community assessment. A public meeting was also held last night (May 30th) in Davey, Nebraska and a second meeting will be held tonight (May 31st) at the Airpark Recreation Center. Input from those meetings will assist the consultant in making recommendations on how to proceed. A committee comprised of landowners, government and non-governmental organization representatives will use the consultant's report to develop a planned development vision for this watershed. He said expectations include the following:

- The Nature Conservancy will contribute to implement action protection plan
- Stakeholders will be included in the decision making process
- Anticipated staff person will be collaborative position likely to be handed off in the future
- Protection plan will include focus on easements, acquisition and government/private intervention to assist in planned housing development
- Vision is to design a greenbelt from confluence to headwaters of Little Salt Creek
- To be successful, private community must step forward to help fund protection costs
- Protection plan to be successful may require formation of entity similar to land trust

Eagan noted that the Board is scheduled to discuss Public Land Trusts at the June 7th Staff Meeting.

In response to a question from Campbell, Lathrop said he gave a presentation to the Lincoln-Lancaster County Ecological Advisory Committee in December, 2000.

Hudkins asked whether farm groups have been invited to participate.

Lathrop said the focus has been more on area farmers.

Hudkins responded that he lives in the area and did not receive notice of the public meetings. He added that many farmers are concerned about what restrictions this might place on their properties.

Mike DeKalb, Planning Department, explained that the group was provided a list of all of the landowners within the Little Salt Creek Basin, as shown in the County Assessor's records.

Campbell suggested that the group place an article in *The Nebline*, which is published by the University of Nebraska Cooperative Extension.

Tyler Sutton, The Conservation Alliance, distributed copies of a brochure, *The Conservation Alliance of the Great Plains*, detailing his group's primary initiatives (Exhibit C). He said he would like to reinforce that this is an extremely rare habitat and said if the preservation is successful, it can become a "signature" for the community. Sutton reported that his group is in the process of finalizing an arrangement with a local foundation to provide education and outreach about the basin's uniqueness. A program is also being developed that will involve Raymond High School students in developing a conservation plan. Sutton noted that the Nebraska Game and Parks Commission has a statutory responsibility to develop a conservation plan to save these listed species and said he believes The Nature Conservancy's leadership and cooperation from various governmental agencies will enable this to be done.

Heier asked whether land will be taken out of production.

Thompson said that may not be the end result. He said it may be possible to farm in a way that doesn't harm the wetland area.

Lathrop said the consultant's report will help to define the number of acres that are needed for protection of those species. He added that The Nature Conservancy rarely takes land out of production.

Hudkins said development was stated as a concern and said it is unlikely that housing permits will be issued for the marsh area.

Lathrop responded that down cutting from channelization of Salt Creek is desalting the salt marshes. He said the City is also interested in the flood protection aspect.

Hudkins noted that the area east of Raymond that overlooks the Salt Valley is considered highly desirable for acreages and asked what type of density is proposed.

Lathrop said this issue was discussed at the meeting last night. He said he personally favors one or two houses on an 80 acre or 160 acre plot, noting this has an historical basis.

In response to a question from Hudkins, Lathrop said The Nature Conservancy can seek tax exemptions on its properties but has not done so in Nebraska. He added that most of the land is leased out to area farmers and ranchers.

Steinman asked whether dry land farming causes less of a problem for the watershed.

Lathrop said it depends on a number of factors.

Hudkins said some of the farmers that have leased land from The Nature Conservancy have indicated that the restrictions on grazing are quite severe.

Terry Genrich, Parks & Recreation Natural Resources Manager, said the saline wetlands have been identified in the Natural Resources - Geographic Information System (NR-GIS) Report and that information is being used to develop the "Greenprint Plan", a follow-up report.

DeKalb said information will also be incorporated into the Comprehensive Plan process.

The Board asked that Commissioner Hudkins be kept apprised, as it impacts his district. The Board also requested a follow-up report in the fall.

5 JUVENILE DETENTION FACILITY UPDATE - Chris Beardslee, Sinclair Hille & Associates Inc.

Chris Beardslee, Sinclair Hille & Associates Inc., presented a progress summary (Exhibit D), noting weather remains a concern in the completion of exterior work.

Hudkins noted an observation report by the structural engineer that indicated the wall panels in the gymnasium are not adequately braced and asked whether this was a design flaw.

Beardslee said the bracing was not called for in the initial design work and will be handled with an allowance modification.

Beardslee also reviewed the following :

- O Allowance Modification 020 - Eliminate 18" and 21" storm sewer concrete pipe below building floor slab and replace with pairs of 12" and 15" cast iron storm piping. Add \$6,570.

Beardslee explained that the City does not allow reinforced concrete pipe to be installed under a floor slab.

Hudkins said Alvine & Associates, the mechanical and electrical consultant, should have been familiar with the building codes. He said the architect should also have caught the problem.

- O Allowance Modification 021 - Provide position switch on bedroom doors in Staff Secure. Add \$5,355.

Beardslee said the hardware was indicated on the security plans but was omitted on the hardware schedule and specifications. He noted that the problem was caught before any of the doors were installed.

In response to a question from Hudkins, Beardslee acknowledged that the architect should have detected the problem.

- O Allowance Modification 022 - Modify exit vestibules. Delete millwork and construct closets of masonry with pair of hollow metal doors & frame at three locations. Add \$4,927.

Beardslee said this is a Fire Marshall requirement.

- O Allowance Modification 023 - Delete concrete stain from precast concrete exterior wall panels. Deduct \$7,350.

Beardslee noted this is a credit.

- O Allowance Modification 024 - Provide 80 additional mogul keys. Add \$1,441.

Beardslee said research indicates that the expense will be greater if the keys are added later on.

Beardslee recommended that Allowance Modifications Numbers 021, 022, 023 and 024 be approved and that \$10,943 be drawn from the Contingency Allowance, leaving a balance of \$8,718. He noted that there is still \$25,000 remaining in the Grading Allowance and said perimeter fencing options are still being reviewed.

The Board scheduled action on the June 5th County Board of Commissioners Meeting. The Board also scheduled a tour of the Lancaster County Juvenile Detention Center on June 7th.

In response to a question from Campbell, Beardslee said the project is around 75% complete and is projected to be substantially completed by the contractor around the first part of October.

6 COMMUNITY MENTAL HEALTH CENTER - Dean Settle, Community Mental Health Center Director, Judy Tannahill, Community Mental Health Center

Dean Settle, Community Mental Health Center Director, distributed copies of the current organizational chart for the Community Mental Health Center (Exhibit E). He proposed creation of a single point of entry department (Exhibit F) and said several staff members have expressed interest in managing this department. The budget impact is projected to be \$3,870 - \$10,000, depending on who is selected, with an approximate \$1,000 impact to this year's budget.

Settle said Bill Bonacker will no longer serve as the Director of Outpatient Emergency Services, instead he will serve as a clinician in the new entry department and his salary will be frozen.

Campbell noted that the Personnel Department has been asked to conduct a total agency job audit.

Settle said the Crisis Center will stand alone under the reorganization plan and said he would like to promote Kim Etherton from a program supervisor position to program manager. He said the difference in salary will be \$3,800.

MOTION: Heier moved and Steinman seconded to authorize Dean Settle, Community Mental Health Center Director, to finalize the reorganization chart with Georgia Glass, Personnel Director, and Diane Staab, Deputy County Attorney. Heier, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

Settle said the County and Region V each contributed \$6,250 towards a pilot matching formula grant for vocational rehabilitation this year. This amount will increase to \$10,000 each for the second year of the grant. He noted that Nebraska Vocational Rehabilitation Services provides the match for these funds.

Settle expressed concern that there is no backup for Dr. Daniel Leggiardro, clinical psychologist at the Crisis Center. He said Dr. Dorie Reed, PhD, is willing serve in this capacity, at a rate of \$87 per hour. Settle estimated the budget impact at \$2,500.

Settle reported that newly drafted state regulations for psychiatric residential treatment facilities require overnight, third shift awake staff. He said this will necessitate adding three full time employees at the psychiatric technician level for The Heather, the Community Mental Health Center's residential rehabilitation facility.

In response to a question from Steinman, Settle said there are few psychiatric residential treatment programs in Nebraska. He explained that The Heather is operated in cooperation with the Lincoln Regional Center (LRC) and is considered by the State to be an extension of that facility. Settle noted that this is an unfunded mandate.

Campbell asked what is causing the State to believe that staff need to remain awake overnight.

Settle said higher risk individuals are now being placed in the facility.

Steinman questioned whether the County should have input into what type of placements are appropriate.

Campbell recommended seeking input from Douglas County on the issue.

**7 PHARMACY SERVICES AT LANCASTER MANOR; MANOR
CHAPLAIN - Larry Van Hunnik, Lancaster Manor Administrator**

Pharmacy Services

Larry Van Hunnik, Lancaster Manor Administrator, explained that the County contracted with PharMerica in October, 1999 to provide pharmacy and related services to Lancaster Manor. The contract specifies that PharMerica must provide all prescriptions and over the counter medications; collection of all fees is carried out between PharMerica and the Nebraska Department of Health and Human Services, and any changes to the contract need to be by mutual agreement in the form of an amendment. The cost of all replacement medications has also been the responsibility of PharMerica. Van Hunnik said PharMerica began invoicing Lancaster Manor for replacement medications in April, 2000. Lancaster Manor informed PharMerica that the County is not responsible for this cost but PharMerica has continued the billing and has added 18% interest, for a total of \$3,200. Van Hunnik said he has been informed that PharMerica is preparing an addendum to the contract and will refuse to send out replacement medications unless it is paid this amount.

Dave Johnson, Deputy County Attorney, noted that three other county agencies (Community Mental Health Center, Lancaster County Juvenile Detention Center and Corrections) plan to enter into contracts with PharMerica for similar services.

Johnson explained that the replacement medication cost is not mentioned specifically in the contract with Lancaster Manor or the Request for Proposals (RFP), although the contract states that "all other expenses incurred in the implementation and operation of pharmacy services not mentioned herein will be borne by the contractor". He added that Nebraska Department of Health and Human Services (HHS) Finance and Support Manual states that providers shall not duplicate medication for nursing facility clients at HHS' expense and that the pharmacy or the facility is responsible for providing a replacement.

Hudkins noted that PharMerica's accuracy in filling prescriptions at Lancaster Manor has been less than satisfactory.

Van Hunnik said there have been numerous errors and estimated that Lancaster Manor staff spends 40 hours each week reviewing PharMerica's medications and billings.

In response to a question from Steinman, Hudkins said local pharmacies are unable to upfront capital costs until there is reimbursement from the State.

Campbell suggested that representatives of the county agencies meet with Dave Kroeker, Budget and Fiscal Officer, and Pat Lopez, Lincoln-Lancaster County Health Department, to discuss the problem. Johnson will facilitate that meeting and will report back in two weeks.

Chaplain

Board consensus to recognize Father Stander for 17 years of service at Lancaster Manor at the June 5th County Board of Commissioners' Meeting.

8 EXECUTIVE SESSION - Mike Thew, Chief Deputy County Attorney; Bill Austin, Erickson & Sederstrom P.C.

MOTION: Heier moved and Steinman seconded to enter Executive Session at 10:50 a.m. for discussion of pending litigation. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

MOTION: Heier moved and Hudkins seconded to exit Executive Session at 11:33 a.m. Heier, Hudkins and Campbell voted aye. Steinman was absent from voting. Motion carried.

9 TRIAL PREPARATION PARALEGAL POSITION - Gary Lacey, Lancaster County Attorney; Doug Cyr, Deputy County Attorney; Georgia Glass, Personnel Director

Gary Lacey, Lancaster County Attorney, explained that he has had difficulty retaining paralegals who have received specialized training to use new technology in the courtrooms.

Doug Cyr, Deputy County Attorney, referred to Lancaster County Personnel Rules, Section 17.9 which states "A Department Head, with concurrence of the Personnel Officer, may request a salary advancement within a grade or cash award for an employee due to exceptional or unusual circumstances in connection with their class." He suggested that this rule be used to advance Nicole Ringler, a Paralegal I who has received this specialized training, from Step 3 to a Step 7 in her pay grade. This would increase her annual salary from \$27,410 to \$32,718. He noted that a job audit has also been requested to reclassify Ringler as a Litigation Specialist .

Georgia Glass, Personnel Director, said she did not object to invoking the rule as a short term solution.

MOTION: Hudkins moved and Steinman seconded to schedule the request for an exceptional circumstance award on the County Board of Commissioners Meeting agenda. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

10 ACTION ITEMS

A. City-County Common Agenda Items for Meeting on June 4, 2001

No items were offered.

B. Authorize Wells Fargo to Destroy Records Relating to Bond Issues from Lancaster County (Exhibit G)

Item withdrawn.

C. Purchase of Compact Disc Recorder, \$178 from Emergency Management Budget

MOTION: Hudkins moved and Steinman seconded approval. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

- D. \$639.60 from the Microcomputer Contingency Budget for an HP2100XI Printer for District Court Judge Karen Flowers

Eagan noted that installation will increase the cost to \$738.56 (Exhibit H).

MOTION: Heier moved and Steinman seconded approval. Heier, Steinman, Hudkins and Campbell voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

- A. Planning Commission Appointment

MOTION: Hudkins moved and Heier seconded to recommend reappointment of Gerry Krieser to Mayor Wesely. Hudkins, Heier and Campbell voted aye. Steinman was absent from voting. Motion carried.

The Board requested a list of the names the Mayor is considering so that it can offer input.

- B. Letter to City of Lincoln Regarding Construction of Garage at County Property on Cherrycreek Road

The Board directed Don Killeen, County Property Manager, to send a letter to the City asking whether they have an interest in storing vehicles in the garage.

- C. Letter from City of Waverly Regarding Canongate Road and Drainage Improvements

Eagan noted receipt of a letter from the City of Waverly (see agenda packet) that proposes costs related to the paving of Canongate Road and drainage improvements be allocated as follows:

	<u>Total Cost</u>	<u>City</u>	<u>County</u>
Oldfield Culvert #1 (Two 54" culverts)	\$14,900	\$14,000	\$0
Culverts #2 & #3 (78" culverts)	\$26,864	\$0	\$26,864
Canongate Road Paving from Jamestown to Oldfield Street	<u>\$42,000</u>	<u>\$27,882</u>	<u>\$15,018</u>
TOTAL	\$83,764	\$41,882 (50%)	\$41,882 (50%)

Don Thomas, County Engineer, said his department will provide the engineering and bidding oversight for the paving project. He said Waverly will provide the engineering and design plan for the Oldfield Street culvert.

MOTION: Hudkins moved and Steinman seconded to accept the letter from the City of Waverly and to refer the matter to the County Attorney and County Engineer for a redraft of the interlocal agreement with Waverly. Hudkins, Steinman, Heier and Campbell voted aye. Motion carried.

Thomas said Keno Funds were earmarked for this project, but estimated that an additional \$4,389 will be needed.

MOTION: Hudkins moved and Steinman seconded to transfer \$4,389 into the Keno Fund. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

D. Funding for Wilderness Park Bridges

The Board requested a report from Parks & Recreation on specific projects.

E. Appointment of Peter Daiker, A. G. Edwards & Sons Inc., as Broker/Dealer for County Employee Pension

No action was taken.

F. Request from Lincoln Action Program Regarding Use of Rural Housing Funds

MOTION: Hudkins moved and Steinman seconded to proceed with the proposal and schedule the item on a County Board of Commissioners Meeting agenda. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

G. Letter from Peggy Gentles, Judicial Administrator for Lancaster County Court, Regarding Intern

The Board had no objections to the request.

H. Salary for Deputy Chief Administrative Officer

Georgia Glass, Personnel Director, appeared and said Gwen Thorpe has rejected the Board's initial salary offer of \$52,250 and countered with a salary request of \$56,000.

MOTION: Hudkins moved to postpone the item until all five Commissioners are present.

The maker withdrew his motion.

See Item 14.

I. City-County Common Budget Hearings, June 28, 2001

The Board reviewed the hearing schedule and requested further discussion at the City-County Common Meeting on June 4, 2001.

J. Legal Opinion for Board of Equalization Regarding Technology Park

MOTION: Hudkins moved and Steinman seconded to request a County Attorney's opinion regarding the exemption request filed with the Board of Equalization from the University Foundation for the Technology Park. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

K. Training for District Court Judge Earl Witthoff's New Bailiff

The Board approved two weeks of training time for the new bailiff.

13 DISCUSSION OF BOARD MEMBER MEETINGS

A. Board of Health - Hudkins

Item held.

B. Families First & Foremost (F³) Conference - Heier

Item held.

C. District Energy Corporation - Heier, Hudkins

Item held.

D. Joint Budget Committee - Campbell, Steinman

Item held.

E. Community Mental Health Center Advisory Committee - Steinman

Item held.

14 ADJOURNMENT

MOTION: Hudkins moved and Heier seconded to adjourn the meeting and to schedule a Staff Meeting immediately following the June 5th County Board of Commissioners Meeting, at which time further discussion of Item 11H will take place and the remaining items on the agenda will be addressed. Hudkins, Heier, Steinman and Campbell voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk